

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE POLICY DIRECTIVE 90-3

9 JUNE 2016



Special Management

***INSPECTOR GENERAL--THE
COMPLAINTS RESOLUTION
PROGRAM***

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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RELEASABILITY: There are no releasability restrictions on this publication.

OPR: SAF/IGQ

Certified by: SAF/IG
(Lt Gen Gregory A. Biscone)

Supersedes: AFPD 90-3, 18 August 2009

Pages: 7

This directive implements Title 10, United States Code (USC), Section 8020 (10 USC 8020), *Inspector General*; Title 10, USC, Section 1034 (10 USC 1034), *Military Whistleblower Protection Act*; Department of Defense (DoD) Directive 5505.06, *Investigations of Allegations Against Senior Officials of the Department of Defense*; DoD Directive 7050.06, *Military Whistleblower Protection*; DoD Instruction 7050.01, *Defense Hotline Program*, and is consistent with Headquarters Air Force Mission Directive (HAFMD) 1-20, *The Inspector General*. It establishes the framework for the Air Force Inspector General (IG) Complaints Resolution and Fraud, Waste, and Abuse (FWA) programs. It applies to all Air Force, Air Force Reserve and Air National Guard (ANG) personnel. This directive requires collecting and maintaining information protected by the Privacy Act of 1974 as implemented by AFI 33-332, *Privacy Act Program* and authorized by 10 USC 8013, *Secretary of the Air Force*; and 10 USC 8020. Department of the Air Force Systems of Record notice F090 AF IG B, *Inspector General Records* applies. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Form 847 from the field through the appropriate MAJCOM IG. Ensure that all records created as a result of processes described in this publication are maintained in accordance with AFMAN 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located at <https://afrims.amc.af.mil/>.

SUMMARY OF CHANGES

This publication has been substantially revised and must be completely reviewed. References to “Pay Band 3s and mental health evaluations were removed. Definitions for adverse information, protected communication and reprisal were updated.

1. Policy. The Secretary of the Air Force, Inspector General (SAF/IG) is responsible for the management and administration of the Air Force Inspector General Complaints Resolution Program. As such, SAF/IG will:

- 1.1. Issue guidance for the administration and management of credible and responsive AF Complaints Resolution and FWA Programs.
- 1.2. Inquire into and report on the discipline, efficiency, and economy of the Air Force.
- 1.3. Direct investigations and provide oversight for all Air Force IG investigations regardless of what level IG conducts the investigation. This includes the authority to comment on and to overturn the findings and conclusions of any IG investigation.
- 1.4. Assess and determine the disposition of all allegations of misconduct made against Air Force Senior Officials.
- 1.5. Review all potentially adverse information and adverse information of a credible nature against colonel-selects, colonels, and general officers, and draft an Adverse Information Summary for possible inclusion in a Senior Officer Unfavorable Information File (SOUIF).
- 1.6. Act as the central repository for all adverse information on field grade and general officers for the purpose of possible disclosure during general officer promotion selection or federal recognition boards, nomination and confirmation processes as well as possible disclosure to CSAF regarding officers placed on the command candidate list, or other disclosure as directed by SECAF or CSAF.
- 1.7. Act as central repository for all adverse information on Air Force senior executives, and GS-15s for the purpose of possible disclosure when an individual is considered for a leadership assignment as part of the Leadership Development Board, appointment to the senior executive service, or considered for a major award.
- 1.8. Investigate alleged ethics violations in accordance with (IAW) DoD 5500.7-R *Joint Ethics Regulation (JER)*, when appropriate.
- 1.9. Investigate allegations of a violation of any law, rule, regulation, gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety referred through Secretary of the Air Force General Counsel (SAF/GC) as part of a Title 5 United States Code § 1213 Office of Special Counsel (OSC) investigation IAW AFI 51-1102, *Cooperation with the Office of Special Counsel*.
- 1.10. Designate a Defense Hotline Component Coordinator to report the results of inquiries conducted in response to Defense Hotline referrals.

2. Roles and Responsibilities. MAJCOM, NAF, DRU, FOA, Center, Wing and Installation commanders and Air National Guard units will:

- 2.1. Establish procedures to manage the Air Force Complaints Resolution and FWA Programs at their level and below.

- 2.2. Appoint an independent IG for their organization who is directly responsible to the commander. An IG is optional at designated FOAs and at the NAF level.
3. Subject to the right against self-incrimination and other Constitutional rights, Air Force military and civilian members have a duty to promptly report all allegations of wrongdoing to an appropriate supervisor or commander, the IG, an inspector, or through an established grievance channel upon becoming aware of the matter.
4. Air Force military members will not be restricted from making a lawful communication to a Member of Congress or an IG.
5. Air Force military members and civilian employees will not be reprisied against for making or preparing to make a protected communication.

DEBORAH LEE JAMES
Secretary of the Air Force

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

Title 5, United States Code, Section 1213, *Whistleblower Protection Act*

Title 10, United States Code, Section 1034, *Military Whistleblower Protection Act*

Title 10, United States Code, Section 8013, *Secretary of the Air Force*

Title 10, United States Code, Section 8020, *Inspector General*

DoDD 5505.06, *Investigations of Allegations Against Senior Officials of the Department of Defense*, 6 June 2013

DoDD 7050.06, *Military Whistleblower Protection*, 17 April 2015

DoDI 7050.01, *Defense Hotline Program*, 17 December 2007

DoD 5500.7-R, *Joint Ethics Regulation*, 1 August 1993 Through Change 7, November 17, 2011

AFI 33-360, *Publications and Forms Management*, 1 December 2015

AFI 33-332, *Air Force Privacy and Civil Liberties Program*, 12 January 2015

AFMAN 33-363, *Management of Records*, 1 March 2008

AFI 51-1102, *Cooperation with the Office of Special Counsel*, 23 April 2015

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

ANG—Air National Guard

CSAF—Chief of Staff of the Air Force

DoD—Department of Defense

DoDD—Department of Defense Directive

DoDI—Department of Defense Instruction

FWA—Fraud, Waste, and Abuse

IG—Inspector General

JER—Joint Ethics Regulation

SECAF—Secretary of the Air Force

UCMJ—Uniform Code of Military Justice

USC—United States Code

Terms

Abuse—Intentional, wrongful or improper use of Air Force resources. Examples include misuse of rank, position, or authority that causes the loss or misuse of resources such as tools, vehicles, computers, or copy machines.

Adverse Information—DOD policy defines adverse information:

1. A substantiated adverse finding or conclusion from an officially documented investigation or inquiry;
or
2. Any credible information of an adverse nature. To be credible, the information must be resolved and supported by a preponderance of the evidence. To be adverse, the information must be derogatory, unfavorable, or of a nature that reflects unacceptable conduct, or a lack of integrity or judgment on the part of the individual.

For the purposes of this definition, the following types of information, even though credible, are not considered adverse:

- a. Motor vehicle violations that did not require a court appearance.
- b. Minor infractions without negative effect on an individual or the good order and discipline of the organization that:
 - (1) Was not identified as a result of substantiated findings or conclusion from an officially documented investigation, and
 - (2) Did not result in more than a non-punitive rehabilitative counseling administered by a superior to a subordinate.
3. Adverse information does not include:
 - a. Information previously considered by the Senate pursuant to the officer's appointment;
or
 - b. Information attributed to an individual 10 or more years before the date of the personnel action under consideration, except for incidents, which if tried by court—martial, could have resulted in the imposition of a punitive discharge and confinement for more than one year—the date of the substantiated adverse finding or conclusion from an officially documented investigation or inquiry is used to establish the time period, not the date of the incident.

Fraud—Any intentional deception designed to unlawfully deprive the Air Force of something of value or to secure from the Air Force for an individual a benefit, privilege, allowance, or consideration to which he or she is not entitled. Such practices include, but are not limited to:

1. The offer, payment, acceptance of bribes or gratuities, or evading or corrupting inspectors or other officials.
2. Making false statements, submitting false claims or using false weights or measures.
3. Deceit, either by suppressing the truth or misrepresenting material facts, or to deprive the Air Force of something of value.
4. Adulterating or substituting materials, falsifying records and books of accounts.
5. Conspiring to carry out any of the above actions.
6. The term also includes conflict of interest cases, criminal irregularities, and the unauthorized disclosure of official information relating to procurement and disposal matters.

For purposes of this instruction, the definition can include any theft or diversion of resources for personal or commercial gain.

Investigation—A duly authorized, systematic, detailed examination to uncover the facts and determine the truth of a matter. IG investigations are administrative in nature--they are fact finding rather than judicial proceedings. They are not criminal proceedings in which proof beyond a reasonable doubt is required. Rather, the standard of proof that applies is proof by a preponderance of the evidence. Investigations require formal collection of evidence, taking sworn testimony from complainants, witnesses and subjects, and documentation of the findings in a Report of Investigation. An investigation is an evidence-gathering exercise to substantiate or not substantiate an allegation.

Lawful Communication—Any communication, whether verbal or written or otherwise transmitted, including complaints, witness statements, and testimony, which is not otherwise unlawful.

Protected Communication—

1. Any lawful communication to a Member of Congress or an IG.
2. A communication in which a member of the Armed Forces communicates information that the member reasonably believes evidences a violation of law or regulation, including a law or regulation prohibiting rape, sexual assault, or other sexual misconduct in violation of Articles 120 through 120c of the Uniform Code of Military Justice, sexual harassment, or unlawful discrimination, gross mismanagement, a gross waste of funds or other resources, an abuse of authority, or a substantial and specific danger to public health or safety, or a threat by another member of the armed forces or employee of the federal government that indicates a determination or intent to kill or cause serious bodily injury to members of the armed forces or civilians or damage to military, federal, or civilian property, when such communication is made to any of the following (this list is not all inclusive):
 - a. Member of Congress or a member of their staff.
 - b. An inspector general or a member of the inspector general's staff.
 - c. Personnel assigned to DoD audit, inspection, investigation, law enforcement, equal opportunity, safety, sexual assault prevention and response designees, and, or family advocacy organizations.
 - d. Any person in the member's chain of command.
 - e. The Chief Master Sergeant of the Air Force, Command Chiefs, Group/Squadron Superintendents, and First Sergeants.
 - f. A court-martial proceeding.
3. Testimony, or otherwise participating in or assisting in an investigation or proceeding related to a communication under part 1 or 2 above, or filing, causing to be filed, participating in, or otherwise assisting in an inquiry/investigation of a reprisal and/or restriction complaint.
4. A communication described in part 2 above shall not be excluded from the protections provided in this definition because —
 - a. The communication was made to a person who participated in an activity that the member reasonably believed to be covered by part 2 above;
 - b. The communication revealed information that had been previously disclosed;
 - c. Of the member's motive for making the communication;
 - d. The communication was not made in writing;
 - e. The communication was made while the member was off duty; and

f. The communication was made during the normal course of duties of the member.

Reprisal—Taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action on a military member for making or preparing or being perceived as making or preparing to make a protected communication.

Senior Officer Unfavorable Information File (SOUIF) —A SOUIF is a written summary of adverse information pertaining to a colonel or a general officer, plus any comments from the subject officer regarding the written summary. SOUIFs are created for use during the general officer promotion process and exist solely for that purpose. The Secretary of the Air Force or designee (SAF/GC) determines if a SOUIF is provided to a promotion board.

Senior Official —A Senior Official is defined as any active or retired Regular Air Force, Air Force Reserve, or Air National Guard military officer in grades O-7 (brigadier general) select and above; Air National Guard Colonels with a Certificate of Eligibility (COE) as senior officials. Current or former members of the Senior Executive Service (SES) or equivalent; and current and former Air Force civilian Presidential appointees. (NOTE: under DOD policy, an officer becomes an O-7 select, and therefore a senior official, at the time the selection board that selects the officer adjourns.)

Waste—The extravagant, careless, or needless expenditure of Air Force funds or the consumption of Air Force property that results from deficient practices, systems controls, or decisions. The term also includes improper practices not involving prosecutable fraud.